

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

BRYAN ANTHONY REO)	
)	
Plaintiff,)	Case No.
)	(Lake County Court of Common
)	Pleas No. 15CV001850)
vs.)	
)	
NATIONAL AUTO DIVISION, LLC)	NOTICE OF REMOVAL
)	
Defendants.)	
)	
)	
_____)	

TO THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that Defendant National Auto Division, LLC (hereinafter “Defendant” or “National Auto Division”), hereby remove to this Court the above-styled action from the Court of Common Pleas of Lake County, Ohio. Removal of the state court action to this Court is proper under 28 U.S.C. §§ 1331, 1367, 1441, and 1446. In support of its Notice of Removal, Defendant states as follows:

I. THE COMPLAINT

1. On or about October 27, 2015, Plaintiff Bryan Anthony Reo commenced a civil action on behalf of himself by filing the state court action styled as *Bryan Anthony Reo v. National Auto Division, LLC*, Case No. 15CV001850 in the Court of Common Pleas of Lake County, Ohio.

2. Defendant received the Summons and Complaint on November 7, 2015, attached hereto as **Exhibit A**.

3. The Summons and Complaint constitute all pleadings, process and orders served on this removing Defendant in the state court action.

4. The Complaint asserts claims for statutory damages for alleged violations of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §§ 227 *et seq.*, the Ohio Consumer Sales Practices Act (“OCSPA”), Ohio Rev. Code Ann. §§ 1345.01 *et seq.*, the Ohio Telephone Solicitation Sales Act (“OTSSA”), Ohio Rev. Code Ann. §§ 4719.01 *et seq.*, and related common law claims. (*See Complaint*, ¶¶ 1, 28, 41, 47, 51.)

II. PROCESS FOR REMOVAL

5. Defendant has timely filed this Notice of Removal within 30 days of receipt of the Complaint in accordance with 28 U.S.C. § 1446(b).

6. No other defendants have been named or served at this time.

7. In accordance with 28 U.S.C. § 1446(d), Defendant will promptly serve a copy of this Notice of Removal to Plaintiff, and will file a copy with the Clerk of the Court of Common Pleas of Lake County, Ohio. A copy of the Notice of Removal to Federal Court is attached hereto as **Exhibit B**.

III. THIS COURT HAS FEDERAL QUESTION JURISDICTION

8. Plaintiff alleges claims under the federal TCPA, 47 U.S.C. §§ 227 *et seq.* (*Complaint* ¶¶ 1, 27-35) Therefore, federal question jurisdiction exists over Plaintiff’s claims under 28 U.S.C. § 1331 because the resolution of Plaintiff’s claims will require adjudication of disputed questions of federal law.

9. To the extent the Complaint alleges statutory, state common law or other nonfederal claims, this Court has supplemental jurisdiction over any such claims under 28 U.S.C. § 1367 because those claims arise out of the same operative facts as Plaintiff’s claims under the TCPA and “form part of the same case or controversy under Article III of the United States Constitution.” 28 U.S.C. § 1367(a).

10. Because Plaintiff's TCPA claims arise under the laws of the United States, removal of this entire cause of action is therefore appropriate under 28 U.S.C. §§ 1441(a), (c).

IV. PRESERVATION OF DEFENSES

11. By filing this Notice of Removal, Defendant does not waive any defense which may be available to it.

WHEREFORE, Defendant respectfully requests that this Court accept this Notice of Removal and grant it such other and further relief as the Court deems fair and proper.

Dated: December 4, 2015

Respectfully Submitted,

/s/ David Kopech
David A. Kopech
3725 Corporate Dr.
Columbus, OH 43231
614-232-0427
david@k-olaw.com

**ATTORNEY FOR DEFENDANT
NATIONAL AUTO DIVISION, LLC**

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on the following parties via the Court's CM/ECF electronic filing system, or if the party does not participate in Notice of Electronic Filing, by electronic mail, on this 4th day of December 2015, to:

Bryan Anthony Reo
7143 Rippling Brook Lane
Mentor, Ohio 44060
440-313-5893
Breo08@jcu.edu
Plaintiff

/s/ David Kopech
David A. Kopech
3725 Corporate dr.Columbus, OH 43215
614-232-0427
david@k-olaw.com